



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Milan Excavating Inc.

File: B-247137

Date: February 12, 1992

Robert A. Leclerc for the protester,
Rhea Daniels Moore, Esq., and Laurie Ristino, Esq.,
Department of Agriculture, for the agency.
Henry J. Gorczycki, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

The General Accounting Office will not consider a mistake in bid claim alleged after award, since it is a matter of contract administration.

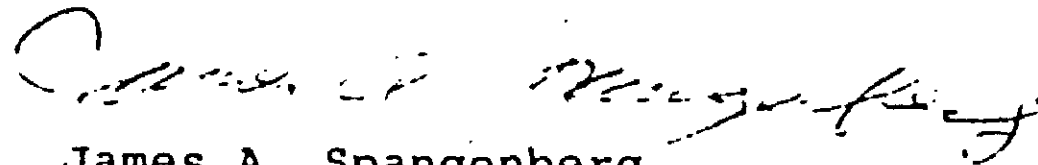
DECISION

Milan Excavating Inc. protests the award under invitation for bids (IFB) No. 02-003 issued by the Forest Service, United States Department of Agriculture, for the sale of timber from the White Mountain National Forest, Androscoggin Ranger District, Gorham, New Hampshire. Milan alleges a mistake in its bid. Milan submitted the highest bid and the Forest Service awarded the contract to Milan on December 17, 1991. On December 18, Milan informed the Forest Service of an error in its bid amount, alleging the error was caused by a discrepancy in bid documents.

Our Office considers bid protest challenges to the award or proposed award of contracts. 31 U.S.C. § 3552 (1988). Therefore, we generally do not exercise jurisdiction to review matters of contract administration, as they are within the discretion of the contracting agency and for review by a cognizant board of contract appeals or the U.S. Claims Court. See 4 C.F.R. § 21.3(m)(1) (1991); Specialty Plastics Prods., Inc., B-237545, Feb. 26, 1990, 90-1 CPD ¶ 228. A mistake in bid claim alleged after award by the contractor receiving the award is a matter of contract administration because it is a claim "relating to a contract" within the meaning of the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613 (1988), not for review by our Office. Alliance Properties Inc., 64 Comp. Gen. 330 (1985), 85-1 CPD ¶ 286. Since Milan first alleged its claim for mistake after it was awarded the contract, it must pursue

its claim pursuant to the requirements of the Contract
Disputes Act of 1978.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "James A. Spangenberg".

James A. Spangenberg
Assistant General Counsel